

DATE: May 5, 2010

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SUBJECT: Waiver on Providing Income Limits on Applications

TO: Child Nutrition Programs

The income eligibility limits (IEGs) for the Child Nutrition Programs are based on the poverty guidelines issued by the Department of Health and Human Services (HHS). Normally, HHS publishes the poverty guidelines in late January, and we publish the IEGs in February or March. However, Congress has acted three times to delay publication of the 2010 poverty guidelines.

The most recent Congressional action prohibits publication until May 31, 2010. HHS has stated that Congress is acting in response to a decrease in the annual average Consumer Price Index (CPI-U) for 2009. Further legislative action to delay issuance of updated poverty guidelines is possible. Therefore, we are uncertain when we will be able to determine the IEGs to use for School Year 2010-2011.

This delay has impacted updating applications since the Richard B. Russell National School Lunch Act (NSLA) requires that the reduced price IEGs be included on applications for meal benefits in the Child Nutrition Programs. Because of the uncertainty of when the updated IEGs will be available, State and local agencies have been unable to begin printing applications for the new school year.

To assist State and local agencies, for School Year 2010-2011 only, we are authorizing waivers of the requirement in section 9(b)(2)(B)(i) of the NSLA to include the reduced price IEGs by family size on applications. We are allowing waivers under the authority in section 12(l) of the NSLA.

The usual procedure is for a State agency to submit a waiver request. However, because of the need to promptly address logistical issues related to applications, State agencies are not required to submit a request, but must notify their regional office as soon as possible if they want to use this waiver. Regional offices are asked to maintain a record of which State agencies used the waiver and the date of approval.